

HOUSE No. 37

Accompanying the seventh recommendation of the Executive Office of Public Safety and Security
(House, No. 30). The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine.

AN ACT RELATIVE TO WORK RELEASE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the
authority of the same, as follows:*

1 Section 32H of Chapter 94C of the General Laws, as appearing in the 2006 Official Edition,
2 is hereby amended by striking out the second paragraph and inserting in place thereof the
3 following paragraph:-

4 A person convicted of violating any provisions of said sections shall not, until he shall have
5 served the mandatory minimum term of imprisonment established, in said sections, be eligible for
6 probation, parole, furlough, or receive any deduction from his sentence for good conduct under
7 sections 129, 129A, 129C and 129D of chapter 127; provided, however, that the commissioner of
8 correction, on the recommendation of the warden, superintendent or other person in charge of the
9 correctional institution, or the administrator of a county correctional institution may grant to said
10 offender a temporary release in the custody of an officer of such institution for the following
11 purposes: to attend the funeral of a relative, to visit a critically ill relative, to obtain emergency
12 medical or psychiatric services unavailable at said institution; to participate in education, training,
13 or employment programs established under section 48 of chapter 127; to engage in employment
14 pursuant to a work release program; or to participate in a program to provide services under
15 section 49B or 49C of chapter 127. The provisions of section 87 of chapter 276 shall not apply to
16 any person, 17 years of age or over, charged with a violation of said sections, or to any child
17 between age 14 and 17, so charged, if the court is of the opinion that the interests of the public
18 require that he shall be tried for such offense instead of being dealt with as a child.